

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, APRIL 21, 2014**

A Regular Meeting of the Deltona City Commission was held on Monday, April 21, 2014 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Webster Barnaby	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Fred Lowry	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
City Manager	Dave Denny	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Finance Director Robert Clinger; Planning and Development Services Director Chris Bowley; Economic Development Manager Jerry Mayes; Acting Fire Chief Robert Rogers; Deputy City Manager Dale Baker; and VCSO Captain Dave Brannon.

3. INVOCATION AND PLEDGE TO THE FLAG:

Invocation Presented by Commissioner Lowry.

The National Anthem was sung by Adrian Tristan from Deltona, Florida.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of April 7, 2014.

Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to approve the minutes of the Regular City Commission Meeting of April 7, 2014.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

B. Additions or Deletions to Agenda:

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation of Certificates of Recognition and Thanks, to the three (3) 7th Grade students from Deltona Middle Schools whose essays were chosen for the "If I Were Elected Mayor" Essay Contest.

Mayor Masiarczyk and Commissioners presented certificates of recognition to the 7th Grade students from Deltona's middle schools whose essays were chosen for the "If I Were Elected Mayor" contest.

B. Presentation of Inductee to the Wall of Fame.

Mayor Masiarczyk read the certificate of recognition to the Wall of Fame for inductee Jerry M. Robinson, M.D.

C. Presentation - William S. Harvey Deltona Scholarship Award Certificates.

The Mayor and Commission presented scholarship award certificates.

D. Presentation - Quarterly Reports of City Advisory Boards/Committees.

Written Fourth Quarter Reports were submitted from the Parks and Recreation Advisory Committee and the William S. Harvey Deltona Scholarship Advisory Board.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.

a) JodyLee Storozuk, 1811 Pennington Avenue, stated that Code Enforcement visited two (2) of the businesses that are in support of his campaign to be a Deltona elected official, he feels the code enforcement visits were initiated by one of his opponents, he considers it targeted persecution for supporting him, the action is both morally and legally wrong, if it continues he will refer the matter to the Florida Attorney General and media, and he would keep the Commission informed of any further incidents.

b) Carmen Duffy, 1921 Veronica Avenue, stated that she wanted to make the Commission aware of additional benefits for the public sector, Deltona is reported as having some of the highest employment growth in the nation, Colonial Life Insurance now has a local district office, and that there is a complimentary benefit that goes out to the public sector at no cost to the City.

Mayor Masiarczyk asked Ms. Duffy to provide Mr. Denny with her contact information so he could coordinate a meeting to discuss the benefit.

c) Daniel Dudley, 1089 Pearl Tree Road, stated the street sign at Sterling Silver and Alabaster Way is hanging off its pole, on average of 50-60 times a day people are running the stop sign at the intersection of Pearl Tree Road and Sterling Silver Blvd. and asked what the procedure would be to get a rumble zone put in similar to the one at Humphrey Blvd. and India Blvd., there is a new hole in the middle of Sterling Silver Blvd. between Emerald Green and Gold Oaks Drive, Sterling Park Blvd. and Gold Oaks Drive there is a faded stop sign. On the left hand corner of Gold Oaks Drive portions of the neighborhood drainage percolation system had previously caved in by about 2 ½ feet, Public Works was supposed to put up a railing around the site, now it has caved in about another foot and no railing has been installed yet, and there is continual speeding in the neighborhood.

7. CONSENT AGENDA: None.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 04-2014, Zoning Map Amendment (RZ13-009) for eleven (11) parcels located at the northeast corner of the Saxon Boulevard/Finland Drive intersection, at second and final reading.

Motion by Commissioner Nabicht, seconded by Commissioner Lowry to adopt Ordinance No. 04-2014, to rezone lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and Tract 'K', Block 101, Deltona Lakes, Unit 3, Map Book 25, Pages 105 - 120, from Office Residential (OR) and Public (P) to General Commercial (C-2), at second and final reading.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

City Attorney Becky Vose read the title of Ordinance No. 04-2014.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP FOR THE FOLLOWING PARCELS: A TRACT OF LAND, BEING LOTS 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 AND TRACT "K", BLOCK 101, DELTONA LAKES UNIT THREE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 25, PAGES 105 THROUGH 120, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. CONTAINING 3.9 ACRES MORE OR LESS, LOCATED AT THE NORTH SIDE OF THE 2000 BLOCK OF SAXON BOULEVARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Ordinance No. 04-2014 was adopted at 7:07 p.m.

B. Ordinance No. 08-2014, Amending the City Charter and Authorizing proposed Charter amendment questions to be submitted to the electors at the November 4, 2014 General Election for a referendum on the questions of approval of the proposed amendments, for first reading.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Nabicht, seconded by Vice Mayor Herzberg to approve Ordinance No. 08-2014 at first reading and to schedule second and final reading for Monday, May 5, 2014.

City Attorney Becky Vose read the title of Ordinance No. 08-2014.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER FOR THE CITY OF DELTONA, FLORIDA, PROPOSING A CHARTER AMENDMENT REMOVING INITIAL INCORPORATION/TRANSITION PROVISIONS, BOUNDARY DESCRIPTIONS, AND CHANGING CANDIDATE QUALIFYING PROVISIONS; PROPOSING A CHARTER AMENDMENT REMOVING CITY MANAGER RESIDENCY REQUIREMENT; PROPOSING A CHARTER AMENDMENT REMOVING TERM LIMITS ON MAYOR AND CITY

COMMISSIONERS; PROPOSING A CHARTER AMENDMENT REMOVING IN-HOUSE CITY ATTORNEY RESIDENCY REQUIREMENT; PROPOSING A CHARTER AMENDMENT CHANGING COMPENSATION OF MAYOR AND CITY COMMISSIONERS; CALLING FOR REFERENDA ON THE PROPOSED AMENDMENTS TO THE CHARTER TO BE HELD AT THE GENERAL ELECTION ON NOVEMBER 4, 2014; PROVIDING THE BALLOT TITLES AND BALLOT SUMMARIES FOR THE REFERENDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Barnaby stated that he is not in agreement with the motion to remove the provision of term limits for Commission members, he is appalled by the lack of understanding by the general public of the responsibility of “We the People”, it takes we the people to form a more perfect Union, once residents have placed someone in official office the public needs to supervise their elected officials and not leave them alone to their own devices, making sure elected officials do not become fearful masters, as a matter of principle and strong Constitutional advocate, and firm believer that America has gotten away from the original intent of the framers of the Constitution, it starts at the City level by educating the general public as to their responsibility, do not elect public officials and leave them “home alone”, kids are not left alone at home or parents may come home to a house that is on fire, the Country is on fire because too many elected officials are left “home alone”, he commended those in attendance at the Commission meeting, and he stated that elected officials cannot run the City by themselves, they need the general public to hold them accountable.

Vice Mayor Herzberg stated that the Charter Review Committee (CRC) recommended the term limit removal amendment, she personally approves of term limits, but she respects the CRC putting the amendments forward, she is in support of the CRC recommendations, and that it should be left up to voters to decide on each amendment.

Commissioner Denizac stated the CRC studied the Charter and came forward with recommendations, by consensus of the majority of the Commission the proposed amendments were brought forward, another amendment was added by the Commission, the majority of the recommendations were suggested by the CRC, she is uncomfortable with the term limits, and the percentage increase on the salary for the one that was added, for the record, it is not anything new as she has stated at previous workshops.

Commissioner Schleicher stated the Commission has agreed to send the amendments forward for voters to decide, the bottom line is exactly what was mentioned by Commissioner Barnaby concerning voters needing to be educated, and that Charter amendments need to be left up to voters.

Motion passed with members voting as follows:

Commissioner Barnaby	Against
Commissioner Denizac	For
Commissioner Lowry	For
Commissioner Nabicht	For
Commissioner Schleicher	For
Vice Mayor Herzberg	For
Mayor Masiarczyk	For

9. OLD BUSINESS: None.

10. NEW BUSINESS:

A. Request for approval of the U.S. Department of Transportation (DOT) Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant.

Chris Bowley, Director of Planning Development Services stated that the TIGER grant application is a discretionary grant issued by the Department of Transportation (DOT) for economic recovery, DOT appropriated 600 million for fiscal year 2014 for construction projects, this year the grant process is also open for planning and design projects, if the grant is awarded staff would then come back with a request for the 20% matching funds for the project. The project is warranted, due to the proposed expansion of Interstate-4 and the area's population. The project is for a service road parallel to I-4 as a north-south reliever/connector on the East side that is regionally serving, protects the capacity of the area roadway network, relieves some of the pressure off I-4, allows for greater mobility, and would start to match the population mobility needs of Deltona. The project limits would extend from Graves Avenue to DeBary Avenue, utilizing and expanding the existing roadway network that includes Normandy Blvd. and Deltona Blvd. along Graves Road and North Normandy.

The Commission and staff discussed the previous submission for a Community Redevelopment Area (CRA) in Deltona, much needed infrastructure in the area, the grant just being for planning funds for the design phase, the project being good for economic development and infrastructure in the sector, and the funds mitigating a major cost of Deltona's request for a CRA, the project tying into the Transportation Planning Organization's (TPO) area plans, the project being regionally serving, DOT's upcoming I-4 Study, the public meeting scheduled for Thursday April 24, 2014 at City Hall from 5:30 p.m. to 7:30 p.m. where DOT will discuss proposed projects in the area, and the deadline of April 28, 2014 for submission of a TIGER grant.

Motion by Commissioner Barnaby, seconded by Commissioner Nabicht to approve allowing staff to apply for the 2014 TIGER Discretionary Grant and to bring the cost estimate for the feasibility and design to the City Commission for review and approval before any additional action is taken.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

B. Request for approval of Resolution No. 2014-07 declaring certain property of the City as surplus and authorizing the sale or disposal of such property.

The Commission and staff discussed the property not having to be specifically annotated as trade in, the list containing anything that is going to be removed from Deltona's records, the equipment listed as "not used" being on the list because it is not in use and has been taken out of service, and only property that the City does not have a use for being on the list.

Commissioner Barnaby commended Mr. Denny and staff for looking for opportunities to cut costs and save the City money.

Motion by Commissioner Barnaby, seconded by Commissioner Schleicher to adopt Resolution No. 2014-07 declaring certain property of the City as surplus and authorizing the sale or disposal of such property.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

C. Request for approval to sign engagement letter with Purvis Gray & Company.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Mr. Denny stated that the City could either approve the engagement letter with Purvis Gray & Company, or put the item out for bid, and he stated that the last time it went out for bid there were only two (2) firms that bid on the project, and that Purvis Gray & Company was by far the lowest bid.

The Commission and staff discussed 2009 as the last year the audit project was put out to bid, going out for new bids, there being sufficient time to go out for bid using the City's purchasing policies, staff time being the only cost to the City to put the audit out for bid, not neglecting the competitive bid process standard procedures, going out to bid being the right thing to do, all audit firms offer the same services and the differences would only be in price, being pleased with the past performance of Purvis and Gray and going out for bid merely being a transparency issue, the reflection on staff for submitting the option to the Commission in accordance with City policy, the Commission preferring to see what bids will be submitted in 2014 as compared to 2009, the surprise at only having two (2) bids in 2009, the statewide access and visibility of the Demand Star system used for advertising bids and what types of firms and companies use the system, and the Commission making sure they have done due diligence in the bid and selection process.

Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to put the request for audit firm out for bid.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

11. CITY ATTORNEY COMMENTS: None.

12. ACTING CITY MANAGER COMMENTS:

A. Lobbyist Update:

Mr. Denny stated the Legislature took last week off due to the Easter holiday, the House and Senate budget conferences started at 6:00 p.m., and as soon as he receives updates he will pass them on.

13. CITY COMMISSION COMMENTS:

- a) Commissioner Barnaby extended hardy wishes for Passover to his Jewish friends and hardy wishes for Easter to his Catholic friends. He discussed a civic and historical event involving a young Christian Attorney named Patrick Henry who saw first-hand why a jury of peers was so vital to freedom, in March of 1775 he rode into the small town of Culpepper, Virginia where he was totally shocked when he saw a man tied to a whipping post being lashed and beaten. When he asked what the man had done to deserve such a beating, he was told that the minister was one of 12 people that refused to take a government license. A government license can often become an arbitrary control by the government, which can turn a right into a privilege. Three (3) days later the minister was scourged to death. This incident inspired Patrick Henry to write the famous words, which later became the rallying cry of the American Revolution, "What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!"
- b) Commissioner Denizac wished everyone a Happy Easter, and she stated she celebrates Easter just about every day of her life giving thanks to the one who died for her. She stated that her thoughts and prayers are with the Lundell family, the community lost a very valuable person, a coworker of hers for 20 years who will never get the chance to see his twins who will be born this June. She stated she went to his service this past Saturday and she was amazed to see so many kids, and she applauded all of the kids that showed up for a faculty member and his family. She stated her thoughts and prayers are with the Maples family at the passing of Mike Maples Sr., an esteemed member of the community.
- c) Commissioner Lowry echoed Commissioner Denizac's comments and he stated that his heart and prayers go out to both families, and that Mike Maples' service will be Tuesday at 2:00 p.m..
- d) Commissioner Schleicher stated that Friday, April 25, 2014 is the Arbor Day celebration in the Courtyard at City Hall from 11:00 a.m. to 1:00 p.m., and on Saturday April 26, 2014 at 10:30 a.m. is the Annual Volunteer Appreciation Breakfast in the City Hall Chambers. She stated she is disturbed and upset by Mr. JodyLee Storozuk's comments, the election season has just started, she hopes all of her colleagues and those running will take heed and do the right thing, the City does not need these types of issues going on in Deltona, on Thursday evening she will be taking a proclamation to the Council on Labor honoring and recognizing April 28, 2014 as Workers Memorial Day, a day set aside to recognize all workers who lost their lives or were injured due to workplace safety violations, she discussed work related deaths and injury statistics in America and Florida, Deltona taking a big role in making sure their workers are safe, and encouraged everyone to remember Workers Memorial Day on April 28, 2014.
- e) Vice Mayor Herzberg stated the Team Volusia Economic Development Committee (TVEDC) meeting is scheduled for Tuesday morning, April 22, 2014, there is discussion of possibly adding a 2nd Boys & Girls Club at Deltona Middle School, a River of Lakes Heritage Corridor banner is located in the City Hall lobby which is a City specific banner from the ROLHC made for each City located on the Corridor to use at their City events, the River of Lakes Heritage Corridor webpage www.rolhc.com should be up soon, she attended the Volusia County Council meeting on April 3, 2014 to support Orange City's quest for a CRA, their request was tabled to a date specific that Chairman Davis could attend the meeting, planning for roads and CRAs in Deltona and in West Volusia County, Earth Day being Tuesday, April 22, 2014, and she encouraged people to participate in NASA's GlobalSelfie Earth Day event, which promotes Earth Day on a global basis.

f) Mayor Masiarczyk stated Mr. Maples' funeral service is Tuesday, April 22, 2014 at the West Volusia County Baptist Church on Graves Avenue, visitation is from 12:00 to 2:00 p.m., and the funeral starts at 2:00 p.m., and he asked everyone to hold all of Deltona's elderly residents in their prayers.

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:48 p.m.

John Masiarczyk Sr., Mayor

ATTEST:

Mitch Honaker, Deputy City Clerk